

Application No.: 10/033464

Case No.: 57282US002

Remarks

The specification has been reviewed and certain errors have been discovered in the identification of some of the cited references. The corrected patent numbers and names have been introduced by this amendment. For each corrected name or patent number, the title page of the relevant reference is included herewith.

The claims have been amended to more clearly define the invention.

§ 112 Rejections

Claims 1-26 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention.

Claim 1 has been rejected as being indefinite for including the phrase "sheet-like". The term "like" has been deleted from claim 1 at the suggestion of the Examiner. Claim 1 is also said to be indefinite because step (c) is not defined in a clear, concise manner and should be rewritten. Step (c) has been amended to include commas as suggested by the Examiner and to include further detail of the depressed areas, that being, "which extend into the foam backing". The basis of this amendment may be found on page 7, lines 18-21.

Claim 19 was said to be indefinite because the phrase "the distance between...coating" lacks antecedent basis since a "distance" has not been literally defined in claim 1. Claims 1 and 19 have been amended and the antecedent basis for claim 19 now exists in claim 1. Claim 19 now reads as follows: "The method of claim 1 wherein the depressed areas extend into said foam backing at least 200 micrometers". Basis for this amendment may be found on page 7, lines 19-21.

The present amendment should overcome the rejection under 35 USC § 112, second paragraph. Reconsideration of claims 1-26 is respectfully requested.

Application No.: 10/033464

Case No.: 57282US002

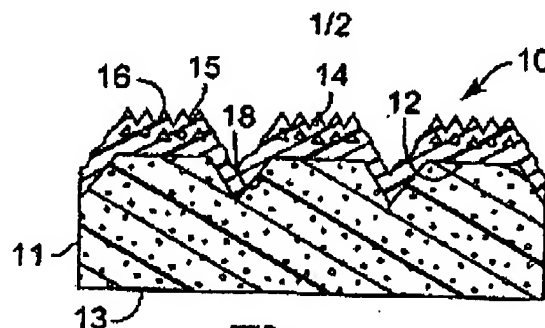
Art-Based Rejections

Claims 1-15, 17-20 and 22-26 are provisionally rejected under 35 USC § 103(a) as being obvious over co-pending application Serial No. 09/850,661 (U.S. Publication No. 2002/0090901).

The present invention claims a method for making an abrasive product. The method involves following steps:

- a. providing a sheet foam backing having a first surface and an opposite second surface;
- b. providing an abrasive coating comprising abrasive particles and binder over said first surface to provide an abrasive article; and
- c. applying, under pressure, a patterned embossing tool having an embossing surface including at least a pattern of raised areas to the abrasive coating of the abrasive article to provide an embossed pattern at least including depressed areas in said abrasive coating and said foam backing to provide an embossed abrasive article, wherein the depressed areas extend into the foam backing, and wherein the depressed areas correspond to the raised areas of said embossing surface.

One difference between '661 and the claimed invention, for example, which is not taught or suggested in '661, is that the claimed abrasive article is provided with depressed areas which extend into the abrasive coating and into the foam backing, as shown, for example, in Figure 1 of the drawing, (reproduced below):

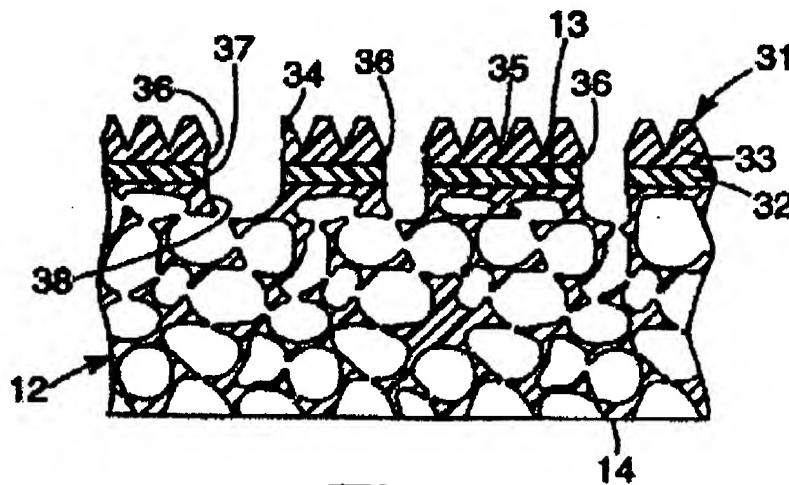
**Fig. 1**

It will be noted that embossed lines extend into the abrasive coating and into the foam backing.

Application No.: 10/033464

Case No.: 57282US002

Copending application Serial No. 09/850,661, however, only shows the abrasive coating being embossed (i.e., not extending into the foam backing). The open areas in the foam are pores not embossed lines extending into the foam backing. See Figure 2, for example, of Serial No. 09/850,661 (reproduced below):

**Fig. 2**

Claims 2-15, 17-20, and 22-26 depend directly or indirectly from claim 1. Claim 1 is patentable, for example, for the reasons given above. Therefore, claims 2-15, 17-20, and 22-26 should also be patentable.

Further, claims 16 and 21 were provisionally rejected under 35 USC § 103(a) as being obvious over co-pending application number 09/850,661, as defined above, in further view of Lise et al. (U.S. Patent No. 6,059,850).

Claims 16 and 21 depend from claim 1. As discussed above, '661 fails to teach or suggest the invention claimed in claim 1. Lise et al. ('850), for example, fails to overcome the deficiencies of '661. Hence, even assuming arguendo it were proper to combine it with the primary reference, the result would not be the claimed invention.

Application No.: 10/033464

Case No.: 57282US002

Further, claims 5-7 were provisionally rejected under 35 U.S.C. § 103(a), as being obvious over copending Application No. 09/850,661 (publication number 20020090901), as defined above in further view of Lise et al. ('850).

Claims 5-7 depend directly or indirectly from claim 1. As discussed above, '661 fails to teach or suggest the invention claimed in claim 1. Lise et al. ('850), for example, fails to overcome the deficiencies of '661. Hence, even assuming arguendo it were proper to combine it with the primary reference, the result would not be the claimed invention.

Claims 1-4, 8-15, 17-20, and 22 were provisionally rejected under 35 U.S.C., § 102(e), as being anticipated by copending Application No. 09/850,661.

As discussed above, '661 fails to teach (or even suggest) the invention claimed in claim 1. Claims 2-4, 8-15, 17-20, and 22 depend directly or indirectly from claim 1. Hence, claims 2-4, 8-15, 17-20, and 22 should also be patentable.

Claims 1-26 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-14 and 20 of copending Application No. 10/137,134. This rejection is unwarranted.

As discussed above, claim 1 requires using an embossing tool to create depressed areas in the foam backing which extend into the foam backing. Copending Application No. 10/137,134, for example, fails to teach or suggest this feature.

Claims 2-26 depend directly or indirectly from claim 1, and hence should be additionally patentable.

The Interview

The undersigned acknowledges with appreciation the personal interview on August 10, 2004, between the Examiner and the undersigned and Mr. Dan Biesterveld. The general content of the amendment and response was discussed with the Examiner. Also, the undersigned requested that the Examiner cite U.S. Patent No. 6,544,306 on a PTO 892 form, which the Examiner agreed to do.

Application No.: 10/033464

Case No.: 57282US002

It is submitted that the present application is in condition for allowance and such action is accordingly earnestly solicited.

Respectfully submitted,

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Date

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